

**PLANNING AND ZONING COMMISSION  
MINUTES  
APRIL 2, 2013**

**ATTENDEES:**

Members

Pam Buckley  
Chris Shanahan (arrived 6:35 pm)  
Lauren Taylor  
Peck Miller  
John Staley

Staff

Matt Margotta  
Blaine Smith  
Kay Stroud  
Will Esham

**CALL TO ORDER – 6:30 PM**

**I. APPROVAL OF MINUTES:**

Minutes of February 20, 2013

Lauren Taylor made the motion to approve; seconded by John Staley. Minutes were approved unanimously (4-0).

**II. DISCUSSION:**

Proposed change of accessory use from tennis courts to in-house miniature golf course intended for residents only and not open to the general public

**MARK ROHRER FOR CAROUSEL HOTEL**

The Carousel Hotel proposes this change of use from tennis courts to miniature golf for guests of the hotel. The modular miniature golf amenities would be placed on the existing tennis courts. Color photographs indicated where the existing courts are and the surrounding neighborhood.

Chairman Buckley asked that this item be remanded for further photographs and elevations of the proposed amenities.

**III. SITE PLAN REVIEW:**

Proposed 101-unit hotel known as La Quinta Inn & Suites, located on Parcel 6142, Lot 1, Block 96N, Sinepuxent Beach Company Plat, 1891; and further described as located on the east side of Philadelphia Avenue, on the north side of 32<sup>nd</sup> Street, and west side of Baltimore Avenue, and locally known as 3201 Baltimore Avenue but proposed to be given **106-32<sup>nd</sup> Street** as the new project address, in the Town of Ocean City, Maryland.

**APPLICANT: CHRIS CARBAUGH, R.L.A (ATLANTIC GROUP) – FILE #13-18100001**

Blaine Smith introduced staff recommendations based on the TRC (Technical Review Committee) meeting held on March 21, 2013. Also given for review and consideration was the Staff Review Comment Response letter submitted by the Atlantic Group, Jennifer L. Smith, E.I.T.

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Staff Recommendations:

1. Trash refuse containers and recycling containers shall comply with the minimum standards set forth in Chapter 70 subject to the Solid Waste Department approval.
2. The project shall comply with all regulations pertaining to stormwater management and infiltration as per the Standards of the Worcester County Soil Conservation District and the State of Maryland prior to issuance of a building permit.
3. All construction and/or repairs of curb cuts, sidewalks and streets and/or street amenities shall be approved by the Department of Engineering and shall be installed in accordance with the specifications and standards of that department. Any existing curb cuts that are being abandoned must be removed and replaced with a sidewalk subject to city specifications.
4. Curb cuts located on the State highway are subject to review and approval by the State Highway Administration based on proposed ingress and egress to the project.
5. It is the policy of the Planning Commission to require 8' wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.
6. All vehicular use areas shall maintain headroom clearance of seven (7) feet, clear of all obstructions including utilities and lighting fixtures. All supporting columns within the vehicular use areas shall not encroach into any minimum parking space or access drive.
7. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
8. Any existing power poles that interfere with the development of this project shall be relocated at the expense of the owner/developer with appropriate approvals.
9. The location of transformers/generators shall be subject to the approval of Delmarva Power and the Zoning Administrator. The generators shall be subject to the noise regulations set forth in Chapter 30, Article V.
10. Location and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.
11. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.

12. Location, height, type, and direction of lighting designed per Section 110-876(h) Lighting Requirements, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in foot-candles throughout the property.
13. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
14. The project is subject to the provisions of the Atlantic Coastal Bays Critical Areas Protection Act.
15. The project is subject to impact fees adopted by the Mayor and City Council.
16. The hotel/motel project shall be operated in compliance with Section 110-907, items 1 thru 11, Hotel/Motel Definition, following:
  - (1) Be operated exclusively as a place of temporary lodging for compensation.
  - (2) Be open to the public generally rather than to a limited group.
  - (3) Contain a public lobby and guest registration office with guest rooms & suites.
  - (4) Provide full-time on-site management, guest registration personnel, daily maid service and maintenance to all guest rooms and suites.
  - (5) Limit the number of different guest room and suite keys to the number of guest rooms and suites approved by Ocean City; rooms or suites shall not be subdivided or used to provide more separate living areas than approved by Ocean City.
  - (6) Individual guest rooms and suites shall not have individual utility connections metered separately, including water, sewer and electric connections.
  - (7) Maintain a sign with the name of the hotel/motel on the outside of the property, with the word "hotel/motel" prominently displayed.
  - (8) Maintain records, for at least the most recent two years, of all guests, including names, addresses, rooms or suites assigned and term of stay, and make said records available for inspection by the department on 24 hours' notice.
  - (9) Comply with the minimum lot area per dwelling unit specified in the district regulations.
  - (10) Not to be construed to include any building or structure defined as a multiple-family dwelling in this chapter for the purpose of calculating lot area per unit and off-street parking per dwelling unit. In the case of mixed dwelling types, the required minimum lot area per unit and parking requirements shall equal the sum of the requirements of the various uses computed separately.
  - (11) In the event that that hotel/motel units are to be sold as condominiums, timeshare, partnerships or other forms of individual ownership, the condominium plats, bylaws and covenants shall be reviewed and approved by the administrator and the Planning Commission attorney.
17. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
18. All work shall be completed as shown on the approved site plan and any revisions to the approved site plan shall be in accordance with Section 110-184.

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19. **Area shown as easement on site plan shall have a deed of dedication to the Mayor and City Council recorded prior to the release of the building permit. One (1) TDR shall be assigned for the additional hotel room prior to the issuance of the certificate of occupancy.**
20. Final site plan approval shall expire eighteen (18) months after the date of approval unless a building permit for the project is obtained prior thereto pursuant to Section 110-52(c)(2).
21. All sign permits shall be issued in accordance with those signs shown on the site plan.

Applicant Chris Carbaugh, R.L.A. of the Atlantic Group, was also present to address concerns of staff and the Commission Members.

**MOTION/**Miller **SECONDED/**Shanahan Vote was unanimous (5-0) to approve site plan as presented based on these conditions of approval:

1. The recommendations of staff, with **emphasis placed on recommendation #19.**
2. In addition to the above staff recommendations, the Planning Commission requested that signage be used to direct people to the crosswalks to cross Baltimore Avenue to reach the beach.

**IV. UPDATE:**

As requested, Blaine Smith brought the Commission an update regarding the citizen complaint against On the Bay Seafood at 4204 Coastal Highway. The owner, Robert Wyne, has cooperated with Blaine and Ray Schmidt to move any encroachments possible from the northerly lot. Mr. Lutz, his neighbor, is still dissatisfied with the fence and its height. The fence in place is code compliant.

The Planning Commission members stated they would encourage Mr. Wyne to be a good neighbor and if possible address Mr. Lutz's concerns about the fence height.

**ADJOURNMENT – 7:20 PM**

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**John Staley/Commission Secretary    Date**

